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Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004)

I. Introduction

1. In paragraph 30 of resolution 1546 (2004), the Security Council requested the Secretary-General to report to the Council on a quarterly basis on the fulfilment of the responsibilities of the United Nations Assistance Mission for Iraq (UNAMI). The present report is the tenth submitted pursuant to that resolution.

2. The report provides an update on United Nations activities in Iraq since the last report (S/2006/706) of 1 September 2006. It presents a summary of key political developments in the period under review, particularly concerning the efforts of the Government of Iraq to promote national reconciliation and to improve the security situation, as well as regional and international developments pertaining to Iraq. The report also provides an update on the activities of my Special Representative for Iraq, Ashraf Jehangir Qazi, and UNAMI, an assessment of the security situation and an update on operational and security matters.

II. Summary of key developments in Iraq

A. Political developments

3. The period under review was marked by a significant increase in sectarian violence, insurgent and terrorist attacks, and criminal activities, with civilian casualties reaching an all-time high. Across many parts of the country an increasing number of Iraqis have been affected by growing violence and insecurity.

4. A joint effort by the Government of Iraq and the multinational force to stem the rising level of violence under the Baghdad security plan appears to have had very limited success. Control of access to and from Baghdad, curfew extensions and house-to-house cordon and search operations were some of the additional security measures employed to stabilize the capital. Despite those efforts, in large areas of Baghdad and other parts of the country, insurgent and militia activities remain uncontrolled. The most serious recent incidents, such as the mass abduction of some 100 employees of and visitors at the Ministry of Higher Education in Baghdad and the heinous terrorist attacks in Sadr City on 23 November, which left over 200

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people dead and scores injured, have deepened public concerns over the ability of the Government to control the security environment.

5. The succession of various initiatives to promote national reconciliation both inside and outside Iraq does not appear to have had a significant impact on the scale and nature of the violence in the country. The proliferation of initiatives has led to widespread scepticism about their viability both inside and outside Iraq. The Government has also been unable to supplement its security initiatives with the implementation of projects to improve the delivery of essential services, provide jobs and rebuild socio-economic infrastructure. Institutional capacity limitations have also impeded the ability of the Government to implement the 2006 budget.

6. During the period under review, the Council of Representatives, which reconvened on 5 September 2006 after the summer recess, finalized the establishment of its 24 parliamentary committees and considered several pieces of legislation, including some key bills related to the implementation of the Constitution. Through these committees, the Council adopted a number of pieces of legislation, including a law on the import and retailing of oil products; amendments to the criminal code; amendments to the general prosecution law of 1979; and a law on national investment. Discussions at the political and technical levels on a draft national hydrocarbon law are ongoing.

7. On 12 September 2006, a group of parliamentarians from the Sadrist block of the Shia coalition, the United Iraqi Alliance, and from Sunni political parties called for a timetable for the withdrawal of the multinational force. As a result, the Defence Committee of the Council of Representatives held discussions on the status of the multinational force.

8. On 25 September 2006, the Council of Representatives established the Constitutional Review Committee, which is composed of 27 members in proportional representation to the distribution of seats in the Council. On 15 November 2006, following a prolonged debate over its chairmanship, the Committee held its first formal session and elected Sheikh Humam Hamoudi (United Iraqi Alliance) as its Chair, and Ayad Sammaraie (Tawafoq) and Fouad Massoum (Kurdistan Alliance) as the Deputy Chairs. The Committee agreed that the Committee leadership should take decisions by consensus.

9. On 8 October 2006, the Council of Representatives renewed for another 30 days the state of emergency that has been in place across the country since November 2004, with the exception of the Kurdistan region.

10. On 11 October 2006, the Council of Representatives adopted the law on the formation of regions. The drafting of the law was contentious. Several Sunni political parties, spearheaded by Tawafoq and joined by Fadhila, the Sadrists and some independents, argued that the law should be enacted only after the completion of the constitutional review process. The United Iraqi Alliance and the Kurdistan Alliance called for its enactment prior to a six-month deadline set forth in the Constitution. The draft law was finally put to a vote as a result of a compromise "package deal" reached on 24 September, according to which the enacted law would not be implemented for 18 months and the Constitutional Review Committee would be given one year to complete its work. Notwithstanding that compromise, the law was passed by a very narrow margin, as a number of parliamentarians boycotted the vote in the Council of Representatives.

11. On 25 October 2006, as result of differences over security operations in Sadr City, the Government of Iraq and the multinational force announced the formation of a joint coordination committee. The committee, which is composed of the Iraqi National Security Adviser, the Iraqi Ministers of Defence and Interior, the multinational force Commander and the United States Ambassador to Iraq, was charged with accelerating the training of the Iraqi security forces and the transfer of responsibility for security to the Government of Iraq, including assumption of command and control over Iraqi forces.

12. In a letter dated 11 November 2006 addressed to the President of the Security Council (S/2006/888), Prime Minister Al-Maliki, on behalf of the Government of Iraq, requested that the mandate of the multinational force be extended for an additional 12 months. On 28 November 2006, the Security Council unanimously adopted resolution 1723 (2006) extending the mandate of the multinational force until 31 December 2007. The Council also decided that this mandate could be reviewed at the request of the Government of Iraq or no later than 15 June 2007, and that it would terminate the mandate earlier if requested by the Government of Iraq.

13. During the period under review, Prime Minister Al-Maliki pushed forward the implementation of his National Reconciliation Plan. Following a conference of tribal leaders in August 2006, he held a meeting with a spectrum of civil society figures and institutions on 16 September. The conference with political leaders, originally scheduled for October, has been postponed several times.

14. On 2 October, Prime Minister Al-Maliki announced a four-point Ramadan accord, which was supported by major political parties. A key element of the agreement included the establishment of local security committees composed of political, religious, police and army figures. The Prime Minister also initiated direct contacts through his personal representatives with Iraqi opposition groups within Iraq and in Jordan, Egypt and other neighbouring countries.

15. Reconciliation initiatives in Iraq have been complemented by the efforts of regional actors. On 20 October 2006, Iraqi Shiite and Sunni religious leaders, in a meeting sponsored by the Organization of the Islamic Conference, issued in Mecca a declaration calling for an end to sectarian bloodshed in Iraq. The agreement was welcomed by political and religious leaders both inside and outside of Iraq.

16. On 1 September 2006, Masoud Barzani, President of the Iraqi Kurdistan region, banned the Iraqi national flag within the Kurdistan region and replaced it with the flag of that region. In response, Prime Minister Al-Maliki ordered that the Iraqi national flag be used throughout the country. At the same time, he called upon the Parliament to consider adopting a new national flag. Meanwhile, Mr. Barzani, while continuing to refuse to fly the current national flag, agreed to fly the 1958 Iraqi flag within the Region. On 24 September, a draft constitution for the Kurdistan region of Iraq was read in the Kurdistan National Assembly on 24 September and was submitted for a period of public comment that will run through April 2007.

17. During the period under review, the Government-appointed committee established under article 140 of the Constitution for the normalization of the situation in Kirkuk held five sessions and established a number of sub-offices in the area. On 11 October 2006, the Council of Representatives established a parliamentary committee to oversee the work of the Government article 140 committee.

B. Regional developments

18. During the period under review, Prime Minister Al-Maliki and members of his cabinet made several visits to Iraq's neighbouring States as part of the efforts of the Government to foster their cooperation in stabilizing Iraq. In that context, on 12 and 13 September 2006, Prime Minister Al-Maliki visited Iran for meetings with Ayatollah Ali Khamenei and President Mahmoud Ahmadinejad.

19. On 18 September 2006, the Interior Ministers of the countries neighbouring Iraq held their third meeting in Jeddah, Saudi Arabia. The participants adopted a protocol on combating terrorism, illegal border infiltration and organized crime. On 21 September 2006, the tenth meeting of the foreign ministers of the neighbouring countries of Iraq was held in New York.

C. International developments

20. The United Nations, as a co-chair of the International Compact with Iraq, continued to provide support to the Government of Iraq in the development of the Compact document. The United Nations also assisted in organizing the high-level and technical meetings of the Preparatory Group. In addition, the United Nations hosted two meetings at Headquarters to broaden international support for the Compact beyond the Preparatory Group. In that context, on 18 September 2006, I convened a high-level meeting at United Nations Headquarters to review progress in the implementation of Security Council resolution 1546 (2004) and in developing the Compact. The meeting, which included the permanent members of the Security Council, Iraq's neighbouring countries, key donors and representatives of concerned regional and international organizations, provided an opportunity to review the progress being made by the Government of Iraq in the political, security and economic fields. The meeting also permitted the mobilization of greater and broader international support and engagement with the Government of Iraq on the Compact.

21. On 10 September 2006, the Deputy Secretary-General, Mark Malloch Brown and the Iraqi Deputy Prime Minister, Barham Salih, co-chaired the first high-level meeting of the International Compact with Iraq Preparatory Group in Abu Dhabi. At the meeting participants adopted the Abu Dhabi Declaration, in which the members of the Preparatory Group recognized the need to expeditiously complete the development of the Compact through a broad consultative process at the national, regional and international levels. On 31 October 2006, my Special Representative for Iraq co-chaired the second high-level meeting of the Preparatory Group of the Compact in Kuwait City. The meeting focused on substantive issues related to the Compact document and its implementation. During the meeting, participants recognized the progress in drafting the Compact document, in particular the inclusion of the political and security sections, as well as a presentation of specific benchmarks and the Joint Monitoring Matrix. I would like to thank the Governments of Kuwait and the United Arab Emirates for hosting the two high-level meetings of the Preparatory Group. I look forward to the formal launch of the International Compact with Iraq. The date and venue for the final event are under consideration.

22. On 13 November 2006, the Deputy Secretary-General convened a meeting at United Nations Headquarters to brief all Member States on the progress being made to develop the Compact, following the high-level Preparatory Group meeting held in

Kuwait City. The meeting also provided the opportunity to discuss external support to the Government of Iraq, particularly in the areas of debt relief and new financial contributions.

III. Update on activities of the Mission

A. Political activities of the Special Representative of the Secretary-General

23. During the period under review, my Special Representative continued his consultations with a broad spectrum of key political, civil society, tribal and religious leaders in the effort to promote genuine dialogue and address the volatile security situation. He met frequently with leading members of the Iraqi Government, the Speaker of the Iraq Council of Representatives and parliamentary committee chairs, as well as other political and religious leaders, to discuss the Government's legislative agenda, the constitutional review process and other matters relating to UNAMI priorities. In his meetings, he encouraged the strengthening of the legal and institutional foundation of the country, while supporting efforts aimed at stemming the prevailing violence in the country. He also worked to promote the implementation of the Government's National Reconciliation Plan.

24. On 7 September 2006, my Special Representative visited Amman, where he held discussions with the Foreign Minister of Jordan and senior officials of the Government of Jordan. He also interacted with a cross-section of representatives of Iraqi political and tribal groups currently based in Jordan to discuss national reconciliation in Iraq.

25. As my focal point for the International Compact in Iraq, my Special Representative coordinated preparatory activities for the elaboration of the Compact document with key Iraqi and international counterparts in Baghdad. On 10 September and 31 October 2006, he participated in the high-level Preparatory Group meetings in Abu Dhabi and Kuwait City. He also presided over a series of technical and executive meetings related to the International Compact in Baghdad.

26. During his trip to New York and Washington, D.C., from 12 to 22 September 2006, my Special Representative attended the high-level meeting on Iraq and the tenth meeting of the foreign ministers of the neighbouring countries of Iraq, chaired by Turkey in New York. In Washington, D.C., my Special Representative held discussions with the United States National Security Adviser and senior officials of the United States Department of State.

B. Constitutional support activities

27. During the period under review, the UNAMI Office of Constitutional Support continued its support to the Council of Representatives in developing the required legislation for advancing the implementation of the Constitution. UNAMI/Office of Constitutional Support also engaged key members of Parliament concerning the establishment of the Constitutional Review Committee and relevant legislative issues.

28. Following the establishment of the Constitutional Review Committee, at the request of the Speaker of the Council of Representatives, UNAMI/Office of Constitutional Support initiated discussion with the leadership of the Committee on how best it could support the process, particularly through technical assistance, as well as substantive and procedural advice. The United Nations intends to provide strong support to the constitutional review process, drawing on best practice from around the world. If approached with the necessary political will for dialogue and compromise by Iraq's leaders, this process could provide a key vehicle for national reconciliation by resolving fundamental issues (e.g. federalism; allocation of power and resources).

C. Electoral assistance activities

29. The draft law for the establishment of the Independent High Electoral Commission of Iraq remains outstanding, as discussions continue with regard to the rights and responsibilities of the provincial election commissions. Pending the establishment of the Commission, the Independent Electoral Commission of Iraq has operated under a series of one-month extensions, the last of which expired on 10 November 2006 without further extension.

30. Throughout the period under review, the UNAMI Office of Electoral Assistance continued its engagement with the Council of Representatives on the legal framework for the establishment of the Independent High Electoral Commission of Iraq. It also provided advice on the electoral aspects of the law on the formation of regions.

31. The UNAMI Office of Electoral Assistance is also providing support for the process of the transition from the Independent Electoral Commission to the future Independent High Electoral Commission of Iraq. This process involves the identification and planning of the required infrastructure, staffing and financial resources, as well as logistical and security needs for the establishment of the Independent High Electoral Commission of Iraq. UNAMI is also providing support for the planning and updating of the voter rolls in preparation for future electoral events.

D. Reconstruction, development and humanitarian assistance

32. UNAMI and United Nations agencies, programmes and funds continued to support the Government of Iraq by working to strengthen ministerial capacities, to provide and coordinate access to basic services and to restore public infrastructure. During the period under review, the primary focus was on providing substantive support to the Government in preparation for the International Compact with Iraq.

33. The implications of the content and direction of the Compact have influenced the strategic planning of the United Nations role in Iraq. The United Nations country team has recalibrated its focus and programming to complement the Compact. In this regard, a two-pronged assistance strategy is being employed whereby the United Nations will continue to focus on providing assistance for the delivery of essential social services, while providing targeted institutional and operational capacity-building support to the Government of Iraq.

34. UNAMI continued to emphasize the need for Iraqi leadership of humanitarian development initiatives as an essential means to promote national stability. To this end, the consultancy services of a contingency planning adviser from the Office for the Coordination of Humanitarian Affairs, as well as a civil society legal adviser provided through the United Nations Office for Project Services, have been secured and made available to the relevant government institutions, including the Office of the Prime Minister and the Ministry of Civil Society Affairs.

35. Sectarian violence and ongoing military operations continue to adversely affect large numbers of Iraqi civilians in many areas of the country. The number of displaced Iraqis continues to increase, either because of threats or acts of aggression by various elements. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration and Government sources at the time of the publication of the present report, the number of displaced persons since the Samarra attack on 22 February 2006 exceeds 450,000, including approximately 27,000 individuals displaced in Al-Anbar Governorate alone, as a result of recent military operations. That total added to displacements previous to the Samarra events brings the total number of displaced persons in Iraq to over 1.6 million people. With the approaching winter, there are increasing concerns about the well-being and basic rights of the displaced, especially women, children, the disabled and the elderly.

36. UNHCR estimates that an additional 1.6 million people have become refugees outside the country since 2003, of which between 500,000 and 700,000 are currently in Jordan; approximately 600,000 are in Syria, and about 100,000 are in Saudi Arabia and Kuwait. A total of 436,000 Iraqis have moved to Europe, the Americas, Africa and Asia. Every day approximately 2,000 Iraqis flee the country to the Syrian Arab Republic and 1,000 to Jordan. The United Nations agencies and their partners continue to provide food, shelter and non-food items to as many displaced Iraqis as resources permit. However, the resources available are not sufficient to adequately address the growing humanitarian crisis faced by Iraqis displaced within and outside of the country.

37. In order to address the overall human security situation in Iraq, my Emergency Relief Coordinator convened a series of meetings with donors to raise awareness and promote an integrated approach that would address the immediate and long-term needs of Iraqi civilians. In this regard, I encourage the international community to identify additional means for supporting United Nations agencies in their work with displaced Iraqis. In all instances, the United Nations will continue to actively assist all displaced persons and affected host communities and prepare for all likely scenarios by developing contingency plans.

E. Human rights activities

38. Although the Government of Iraq has resolved to promote the protection of human rights and the rule of law, human rights violations continue to rise. Abuses continue to be committed by terrorists, insurgents, militias and criminal armed groups. The excessive use of force by the multinational force and the Iraqi security forces in responding to these elements is also a matter of concern. Ongoing military operations also continue to challenge the principles of international humanitarian law as civilian casualties mount and access to public services by the affected

populations is limited or obstructed. The sectarian carnage has resulted in a vicious cycle of violence fuelled by revenge killings. The end result is an environment of lawlessness and insecurity.

39. I remain particularly concerned by the abhorrent bombings and other attacks inflicting death and injury on civilians, as well as the kidnappings and murder of scores of people by death squads, allegedly operating in collusion with law enforcement agencies. According to the Ministry of Health, the number of civilians violently killed in the country was 3,345 in September and 3,709 in October, compared to 3,590 in July and 3,009 in August. The number of wounded reached 3,481 in September and 3,944 in October. In Baghdad alone the total number of civilians violently killed in September and October was 4,984.

40. Estimates by apparently reputable sources of the number of Iraqis killed over the past three and a half years are truly shocking and indicate the possibility of a humanitarian and human rights catastrophe in Iraq. Previous reporting by the Iraqi Body Count estimated that approximately 50,000 civilians have been killed since March 2003. However, recent estimates put the human toll of the conflict much higher than previously thought. On 9 November 2006, the Minister of Health of Iraq estimated that 150,000 civilians had been killed, while a study by the Johns Hopkins University Bloomberg School of Public Health published in the October 2006 issue of *The Lancet* estimated that 601,027 excess violent deaths have occurred in Iraq since March 2003. While questions on the methodology contained in the Johns Hopkins study have been raised by, inter alia, the Iraq Body Count, it nonetheless represents a serious attempt to quantify the loss of life in Iraq during this period.

41. The UNAMI Human Rights Office continues to work closely with Iraqi institutions, including the Higher Judicial Council, the Ministry of Human Rights and the Ministry of Justice, among others, to strengthen the rule of law and create a strong and effective national human rights protection system. A draft law on the establishment of a national human rights commission, prepared by the Human Rights Committee of the Council of Representatives during the previous period, has yet to be approved. Thirty leading parliamentarians who participated in a workshop, jointly organized by the Office of the High Commissioner for Human Rights and UNAMI in Amman on 17 and 18 October 2006, stressed the urgency for the Council of Representatives to enact this law to establish this important independent commission.

42. On 5 November 2006, the Iraqi Higher Criminal Tribunal sentenced former President Saddam Hussein and two other co-defendants to death for their role in the 1984 execution of 148 people convicted of involvement in the attempted assassination of the former President in Dujail. On the same day, the United Nations High Commissioner for Human Rights, Louise Arbour, issued a statement urging the Iraqi authorities to ensure that the right of appeal of persons convicted and sentenced by the Tribunal would be fully respected. The High Commissioner also expressed the hope that the Government would observe a moratorium on executions.

43. I am also concerned about the targeting of various professional and minority groups inside Iraq. An increasing number of journalists and media workers are apparently targeted specifically because of their work, putting the right to freedom of expression under threat. Minorities continue to be targeted, and attacks against Christians have intensified since September. Members of the Sabean-Mandean community and other minority groups report continuous suffering at the hands of

extremists. In addition, the situation of women has deteriorated further and an increasing number were recorded to be either victims of religious extremists or of "honour killings". The targeting of academics, including teachers and professors, as well as students, is seriously disrupting the education system, and has forced some to leave the country.

44. Significant progress in defending human rights will be difficult unless the professionalism and discipline of the country's law enforcement agencies are enhanced. The lack of proper training, standing orders and internal accountability systems continue to undermine respect for human rights and have consequentially eroded public confidence in Iraqi security forces. Perpetrators of criminal activities remain unpunished due to the shortage and intimidation of judges, prosecutors and court officials. Additionally, living conditions in prisons do not meet minimum international standards, and, although there have been some reports of improvement regarding the treatment of prisoners, the UNAMI Human Rights Office continues to receive reports of torture and other inhuman and degrading treatment of detainees, especially among juveniles. I am also concerned about reports of police and militias colluding to abduct people to extract bribes from their families. I welcome the decision of the Ministry of Interior to intensify the screening of police officers and commence more stringent vetting measures, including the suspension of police officers involved in abductions, the mistreatment of detainees and assassinations.

45. According to the Ministry of Human Rights, the total number of detainees for the entire country was 29,256 (13,571 of whom are in multinational force detention facilities) at the end of October, a slight decrease from the 30,104 detainees reported in September. In spite of ongoing efforts to release detainees and bring them under the jurisdiction of the Ministry of Justice, I remain troubled by the continued detention of thousands of Iraqis, which, in the absence of speedy judicial oversight, amounts to de facto arbitrary detention.

46. More than one year after the discovery of a secret detention facility in Al-Jadiriya, I would like to reiterate the call made by the United Nations High Commissioner for Human Rights and my Special Representative for the immediate release of the report on the Government investigation of this case. That issue notwithstanding, I take note of the action recently announced by the Minister of Interior with respect to human rights violations committed by officials of the Ministry at the detention centre known as Site 4. Prosecution of those responsible is necessary in order to combat the prevailing impunity and will act as a deterrent against further violations.

47. Vibrant and independent non-governmental organizations are critical components of a democracy based on the rule of law and respect for human rights. However, the activities and freedoms of civil society organizations operating in Iraq could be curtailed if a law recently drafted by the Iraq Ministry of Civil Society Affairs is passed by the Council of Representatives. Therefore, I am hopeful that the legislation being considered will ultimately conform to international standards and best practices.

48. On 6 September 2006, 27 individuals, including one woman, were executed in Baghdad for murder, kidnapping and terrorism-related charges. Officially, since the reinstatement of the death penalty in 2004, more than 150 individuals have received death sentences, 51 of whom have already been executed. My Special Representative expressed his concern over these death sentences to the Iraqi

presidency and called for moratorium. I urge the Government of Iraq to abolish capital punishment and implement a moratorium on death sentences.

49. Discussions on the future of the de-Baathification process in Iraq continued during the reporting period. It is important that this process embrace the principle of individual responsibility as opposed to collective punishment. At the same time, a comprehensive general amnesty currently being considered as part of the Prime Minister's National Reconciliation Plan is a possible means to promote peace and reconciliation. Draft legislation has yet to be circulated, although it is expected that amnesty in Iraq will primarily benefit individuals currently in detention, mostly those who have neither been charged nor convicted, as well as individual members of the insurgency, militias and other armed groups who renounce violence and, consistent with international standards, have not been responsible for war crimes, crimes against humanity or genocide. While recognizing the need for amnesty, I firmly believe this should not prejudice the victims' rights to truth and reparations.

IV. International Reconstruction Fund Facility for Iraq

50. As of 31 October 2006, the total contributions to the United Nations Development Group (UNDG) Iraq Trust Fund, one of the two funds of the International Reconstruction Fund Facility for Iraq, equalled $1.11 billion. A total of 104 projects valued at $869 million were approved as at the end of October 2006 for funding under the UNDG Iraq Trust Fund. Continuing the significant progress in implementation, contracts worth cumulatively $664 million (76 per cent of approved funding) have been initiated and $558 million (64 per cent of approved funding) have been disbursed.

51. On 10 November 2006, the Fourth Consolidated Six Monthly report of the Administrative Agent on UNDG Iraq Trust Fund progress was submitted to donors. The report, which covers the period from 1 January to 30 June 2006 (with an informal update to end of September 2006) highlights UNDG Iraq Trust Fund progress as a whole, focusing on programme implementation in the areas of governance and basic services. The report builds on the three official reports issued to date in May 2005, November 2005 and May 2006. Although overall progress on governance was less than expected, reflecting, inter alia, delays in the establishment of the Constitutional Review Committee, further strong progress was made in delivering basic services. That included 10 quick-impact projects in basic services, namely education, health, water and sanitation, which were discussed at the July 2005 International Reconstruction Fund Facility for Iraq donor meeting, which have virtually been completed. They have led to the rehabilitation of 262 schools, 192 primary health centres, and 160 water and sanitation systems. Thanks to these projects, polio and cholera have been kept under control. Expenditures under the UNDG Iraq Trust Fund rose during the reporting period by $90.5 million, to a total of almost $600 million.

52. The International Reconstruction Fund Facility for Iraq will continue to be a valuable tool under the International Compact with Iraq and will continue to provide rapid response to basic services and needs. The details of the alignment of the International Reconstruction Fund Facility for Iraq to the Compact are being negotiated between the Government of Iraq, the Chair of the International

Reconstruction Fund Facility for Iraq Donor Committee, the World Bank and the United Nations.

V. Security and operational issues

A. Assessment of the security situation

53. The level of violence in Iraq remains elevated, with casualty levels among civilians at their highest since March 2006. The violence is characterized by a conflict that is increasingly sectarian in nature, a continuing insurgency, and violence by extremist groups, some affiliated with Al-Qaida in Iraq. Intracommunal violence is also on the rise, with clashes reported between some Sunni tribes and among Shi'a groups in the south of Iraq.

54. Baghdad remains the focus of armed activity and of efforts by the Government of Iraq and the multinational force to reduce the violence. By the end of October, violent incidents in the city had increased 22 per cent over the previous month. That trend was consistent with the spike in violence experienced during the holy month of Ramadan in the previous two years.

55. In areas near Baghdad, the insurgency remains potent, and since September there has been a marked increase in a number of significant attacks against Iraqi security forces, as well as the multinational forces. In particular, the international zone remains a target for armed groups from across the spectrum. The primary means of attack is indirect fire from the surrounding areas. During October there was a direct rocket strike on a concrete car shelter in the UNAMI compound. The incident occurred in the late evening and there were no casualties. Checkpoints leading into the international zone also remain subject to sporadic attacks.

56. During the period under review, the situation in north-western and north-central parts of Iraq, such as the Governorates of Ta'mim, Mosul and Diyala, was increasingly volatile. In the west, Al-Anbar Governorate continues to witness heavy fighting involving tribal, Al-Qaida and armed groups. The situation in southern governorates remained tense. From 19 to 21 October 2006, the predominantly Shiite town of Ammara was witness to violent clashes between rival militias seeking to establish control over the city. Incident rates are rising in the Governorates of Qadissiya, Maysan, Wassit, Karbala and Babil. In northern Iraq, the security situation varies in intensity and character. In the far north, violence is mostly concentrated in Mosul, with Erbil remaining relatively peaceful.

57. Basra has witnessed a high number of incidents since August and appears to be in turmoil. The fragile political balance in the Governorate Council is challenged on the street by a nexus of informal groups associated with smuggling and criminal activities. The Basra Palace compound and other multinational force centres are the primary targets. Indirect fire is a constant threat and a frequent occurrence. United Nations staff presence in Basra continues to be maintained at an absolute minimum, with accommodation in hardened facilities.

58. United Nations international staff in the international zone continue to be exposed to a medium level of risk. Staff numbers are continuously reviewed and monitored to ensure that they are kept at acceptable levels. Nevertheless, the risk to national staff remains very high due to the rampant violence afflicting Baghdad.

They are at risk of abduction, serious physical injury and death, particularly as they enter and exit the international zone.

59. The deteriorating security situation in Iraq has put severe constraints on the ability of the Organization to carry out its activities. UNAMI continues to work to adjust its operating procedures to respond to these changing conditions and to promote effective Mission operations that are compatible with the security environment. Although there appears to be greater Iraqi and international support for a more active United Nations role, should there be a further deterioration of the security situation, the viability of maintaining a significant United Nations presence in Iraq might be called into question. There can be no tolerance for exposing United Nations personnel to unacceptable risk.

B. Facilities, logistics and support

60. Following the relocation of UNAMI from Al-Rasheed Hotel to a new compound in the international zone on 22 August 2006, preparations have begun to construct overhead protection for the two thirds of the compound that lacks such protection. The compound will serve as an interim accommodation facility until the long-term and integrated UNAMI site is completed. This site, allocated for United Nations use by the Government of Iraq, has undergone site clearance and technical surveys, and development plans are complete.

61. In Erbil, staff members are accommodated in the new Area Office. Improvements to the compound continue, in keeping with the surrounding environment. In Basra, the work on the new premises of the United Nations Liaison Detachment has been completed and United Nations staff still in Basra are currently accommodated in these facilities. A UNAMI administrative team recently visited Basra to finalize the improvement of hardened accommodation, should the full complement of the United Nations Liaison Detachment return to Basra.

62. The Government of Japan and the United Nations have finalized arrangements for the provision of a dedicated weekly flight for UNAMI, and a once-weekly flight is now successfully operational. The Government of Denmark has also offered to provide a dedicated aircraft to UNAMI, and a specialized fact-finding team continues to meet with UNAMI to finalize the requirements for its deployment. I remain grateful to the Governments of Japan and Denmark for their air support to the Mission, which greatly enhances the ability of the Mission to conduct its work.

63. In this regard, I am very grateful to a number of Member States for their continued support in providing protection and logistical support to UNAMI. In particular, I would like to thank the Government of Fiji for providing UNAMI with personal security details and guard units, and the Governments of Georgia, the Republic of Korea and Romania for providing "middle-ring" protection. In 2004, in accordance with Security Council resolution 1546 (2004), a trust fund was established to support a distinct entity under the unified command of the multinational force with a dedicated mission to provide security for the United Nations presence in Iraq. Since its establishment, the fund has received over $20 million in contributions from 16 Member States. However, after three years of payments, the funds will likely be exhausted by March 2007. I therefore call upon Member States to continue to support this trust fund with a new financial commitment.

C. Agreements

64. The status of mission agreement between the United Nations and the Government of Iraq was signed on 3 June 2005, but will enter into force only following formal ratification by the Council of Representatives. However, despite several approaches made by the United Nations, confirmation from the Government of Iraq remains pending. The United Nations has been advised by the Office of the Prime Minister that the matter has been presented to the Council of Representatives for action. I urge the Government of Iraq to expedite the ratification of the status of mission agreement and issue the required official confirmation note. Once entered into force, the status of mission agreement will accord to UNAMI the required legal status under customary international law to fulfil its mandated tasks.

65. Negotiations have continued between UNAMI and the multinational force regarding the supplemental arrangements under the agreement between the United Nations and the Government of the United States concluded on 8 December 2005 governing UNAMI security. At present, two of three components of the subordinate arrangements are near completion. While I note the constructive spirit with which these discussions have been held, I call for the process to be expedited and for the early finalization of these arrangements, which will form a core aspect of continued security support for the presence of the United Nations in Iraq.

Observations

66. In my last report, I stated that Iraq was at an important crossroads and that the Iraqi people and their leaders faced a fundamental choice between taking the high road to negotiation and compromise or descending further into fratricidal sectarian conflict. Three months onwards, the situation in Iraq has further deteriorated in many parts of the country with a significant rise in sectarian violence, insurgent and terrorist attacks, and criminal activities. The growing militia activities have led to further destabilization. Across many parts of the country, an increasing number of Iraqis have been affected by growing violence and insecurity. High levels of civilian casualties and displacement on a daily basis are breeding an increasing sense of insecurity and deep pessimism among Iraqis. The prospects of all-out civil war and even a regional conflict have become much more real. Therefore, the challenge is not only to contain and defuse the current violence, but also to prevent its escalation.

67. Although the figures on civilian casualties since March 2003 vary between 50,000 and more than 600,000, depending on the sources, the real issue is the predicament of the Iraqi people. The deteriorating security situation has continued to adversely impact on the human rights, humanitarian situations and overall living standards. The large number of casualties is having a much wider social impact than immediate death or injury. Fatal incidents invariably produce widows, orphans and female-headed households who must bear the burden of lost breadwinners and broken families. This is becoming a permanent disabling factor for human development and greatly adds to the burden of reliable access to proper health care, social services, education, employment and economic opportunities, which remain largely absent in Iraq today.

68. While I note the efforts of the Government of Iraq to improve security and promote national reconciliation, it must undertake an urgent review of strategies, policies and measures, with the aim of implementing a consensus-based action plan to halt and reverse current political and security trends in the country, which needs to be supported by a much broader and inclusive regional and international effort. In this effort, the Government faces three overarching challenges.

69. First, it needs to develop a fully inclusive political process that is focused on bringing all disenfranchised and marginalized communities into the political mainstream. While this will require hard political choices, the Government must ensure equitable access to political power, the institutions of the State and its natural resources by all Iraqi communities. This will require, inter alia, an approach to resource-sharing that is guided by the broader national interest rather than the interests of particular constituencies. Only when all Iraqi constituencies have a real stake in the future of the country will Iraq be on a path towards greater stability and prosperity.

70. Secondly, the Government must establish a monopoly over the use of force through the instruments of security and law enforcement within the framework of the rule of law. This will require addressing the terrorist, insurgency, sectarian and criminal violence, and will have to include dealing with the problem of militias inside the communities of Iraq, as well as the removal of militia elements from all ministries and the Iraqi security forces.

71. Thirdly, there is a need to cultivate a regional environment that is supportive of Iraq's transition. The Government has a special responsibility to normalize its relations with its neighbours, which in turn requires the neighbours to work towards fostering greater stability and security in Iraq.

72. To meet these challenges, the Government must now be fully empowered to deliver concrete results on all fronts — security, political, economic and human rights. The limited impact of existing policies has demonstrated that there is an urgent need for new approaches at the national, regional and international levels.

73. At the national level, the constitutional review process that has just begun and is supported by the United Nations offers a real opportunity for all Iraqi communities to reach a broad consensus on the fundamental issues that continue to divide them. I therefore once again urge Iraqi leaders and key international actors to demonstrate their commitment and make this review a top priority. Other important initiatives, such as key pieces of new legislation, including the law on the formation of regions and the hydrocarbon law, should satisfy the legitimate interests of all Iraqi communities, and thereby provide a firm basis for national reconciliation. In addition, there is a particular need to promote confidence-building measures between communities in potential flashpoint areas, such as Kirkuk. The United Nations stands ready to assist in this effort. Increased efforts are also needed to review the de-Baathification process and to pass an amnesty law without prejudice to the victims' rights to truth and reparation.

74. At the regional level, there is an increasing realization that a worsening conflict in Iraq would have implications not only for cross-border security, but that it could also aggravate a range of underlying tensions in neighbouring countries. I have for some time now been urging Iraq's neighbours to contribute in a tangible manner to the stabilization of Iraq, which would also be beneficial to their own

security. I welcome the ongoing dialogue between Iraq and its neighbours through periodic meetings of regional Foreign Ministers and Interior Ministers, in which my Special Representative regularly participates. However, in the light of the deteriorating situation in Iraq and its potentially grave regional implications, it may be necessary to consider more creative ways for fostering regional dialogue and understanding, which could result in concrete confidence-building measures between Iraq and its neighbours. This process could be broadened to include the permanent members of the Security Council. The United Nations is prepared to explore the possibilities of such a process in consultation with all concerned.

75. At the international level, the International Compact with Iraq, supported by the United Nations and the international community, provides an important framework for mobilizing national, regional and international actors in support of Iraq's transition. However, the Compact can only become a genuine partnership if it is based on a consensus on the way forward shared by all the major stakeholders inside Iraq. Its success will ultimately depend on the ability of the Government of Iraq and the international community to deliver on their mutual commitments. Achieving tangible progress during the first six months of its implementation will therefore be critical.

76. There is an urgent need to promote convergence at the national, regional and international levels to stabilize the situation in Iraq. In this regard, as I have publicly stated recently, beyond the measures mentioned above, it may be worthwhile to consider a larger framework for fostering dialogue and understanding at all three levels. Drawing on the positive experiences of the United Nations in other parts of the world, such as the Bonn peace accords for Afghanistan, it may be worthwhile to consider an arrangement that could bring Iraqi political parties together, possibly outside Iraq, with the United Nations playing a facilitating role. This would also require the active engagement of regional countries and the international community. The recent positive experience of the International Compact with Iraq in which national, regional and international actors have been engaged, demonstrates that the political will for such a process can be effectively mobilized.

77. During the 10 years of my tenure as Secretary-General, Iraq has been one of the biggest challenges for the Organization. Certainly one of the darkest moments in my career was the bombing of the United Nations compound on 19 August 2003, in which the United Nations lost 22 friends and colleagues, including the head of the mission, Sergio Vieira de Mello. This tragedy serves as a constant reminder of both the importance of remaining vigilant with respect to staff security, and the need for the United Nations to continue its work in Iraq. Despite the loss of United Nations staff, and bearing in mind the limits of what the United Nations can do under the prevailing circumstances, the Organization has remained steadfast in its support for the people of Iraq who have suffered so much.

78. Based on its mandate under resolution 1546 (2004), the United Nations has been implementing its tasks "as circumstances permit", while continuously assessing the extent to which the Organization is able to implement these tasks in the light of the very challenging security environment and its limited capacity. This assessment has enabled the United Nations to maximize its impact and prioritize its tasks with a focus on its core political, electoral and constitutional activities under paragraph 7 (a) of its mandate under resolution 1546 (2004). Due to the security situation, activities in the areas of reconstruction, development, human rights and

the rule of law under paragraph 7 (b) of its mandate have remained limited and have continued to be carried out mainly from outside Iraq. However, I am pleased that over the past six months, the United Nations has been able to play a lead role in the development of the International Compact, which provides a tangible long-term framework for the reconstruction and development of the country.

79. I would like to reiterate my appreciation to Member States, from both within and outside the multinational force, that have supported the United Nations in Iraq by providing military advisers and guard forces, as well as movement and aviation support. Despite efforts to increase our own security and logistical support, the United Nations will remain dependent on the support of the multinational force for the foreseeable future, owing to the complex security situation. In addition, if there is a further deterioration of the security situation, maintaining a United Nations presence in Iraq might be called into question.

80. I also wish to take this opportunity to thank my Special Representative for Iraq, Ashraf Jehangir Qazi, for his outstanding leadership and the Mission's national and international staff, as well as the personnel of United Nations agencies, programmes and funds, for their dedicated work in fulfilling their mandated tasks under extremely difficult conditions.